

### Remarks

Claim 11 has been amended to further define the value of x and x/(x+y). Support for this amendment may be found in paragraph [0013] and original claim 4, respectively.

### Rejections under 35 U.S.C. 103

Claims 11, 16, 17 and 19 were rejected as being unpatentable over Cen et al. (US Pat 6,632,420) in view of Tsubaki et al. (US Patent 5,472,686).

Applicant respectfully submits that the claims as amended define an invention which is unobvious over Cen et al. (US Pat 6,632,420) in view of Tsubaki et al. (US Patent 5,472,686). Applicant has amended the claims to further define the number of disiloxy units to be within certain limitations.

As noted in the 8-21-09 office action, Cen fails to teach the use of  $(AB)_n$  silicone polyethers to prepare vesicle compositions. Tsubaki et al. teaches  $(AB)_n$  silicone polyethers, but fails to provide any specific teaching on how its  $(AB)_n$  silicone polyethers may be used to prepare vesicle compositions. Furthermore, Tsubaki provides no detail on the importance of the number of dimethyl siloxy groups should be present to form vesicle compositions (as represented by the subscript “a” in Tsubaki, which Tsubaki defines as being greater than 4). By contrast, the present claims define a process for preparing vesicles using certain  $(AB)_n$  silicone polyethers having 30 – 75 disiloxy units (as represented by the subscript x in the claims). Applicant respectfully submits that the combination of Cen and Tsubaki fails to teach or suggest this limitation. Furthermore, the teaching of Tsubaki with regard to the structural possibilities for  $(AB)_n$  silicone polyethers is very large, and fails to teach or suggest a suitable range to form vesicle compositions.

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In view of the above, it is respectfully submitted that the claims are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The present response is being submitted within the 3 month shortened statutory period for response to the outstanding Office Action. Applicant authorizes the USPTO to charge deposit account 04-1520 for any fees that should be necessary to maintain the pendency of the application.

Respectfully submitted,

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